



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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DRAFT MINUTES
January 10, 2013
CITY COUNCIL CHAMBERS
7:00 PM

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR **January 24, 2013.**

CONTINUATION OF PUBLIC HEARINGS: NA

Present were Richard S. Jowdy, Chairman, Alt. Rick Roos, Herb Krate, Joseph C. Hanna. Absent were Rodney Moore, Michael Sibbitt.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Patricia Lee, Secretary. Jowdy introduced the applications before the Board tonight. Krate made a motion to hear the listed applications. Roos seconded the motion. Motion carried unanimously. Jowdy explained the procedure for the public hearing to the audience: presentation, rebuttal.

NEW BUSINESS:

12-39 – Leila M. Rasamny-Gorra, 12 Sunset Drive, Snug Harbor (I05007), Sec. 4.A.3., to reduce min. required rear yard setback from 35 ft. to 17.3 ft.; Sec.3.I.1.b., to reduce open area deck from 25 ft. to 17.3 ft. for proposed office addition (RA-20 Zone). Jowdy introduced this item and read the petitions. Attorney Thomas Beecher came forward, identified himself, and explained the provision that Jowdy questioned. In this particular case, we are asking for reduction of the minimum required rear yard setback from 35 ft. to 17.3 ft.; and to reduce open area deck from 25 ft. to 17.3 ft. for a proposed office addition. Krate questioned the 17.6 ft. vs. the 17.3 ft. discrepancy on the request and on the plan. Attorney Thomas Beecher from Collins, Hannafin, Garamella, Jaber & Tuozzolo, PC, took the mic and said Mrs. Gorra is the owner of the property. It's a waterfront parcel over in Snug Harbor, single-family, one story. She is semi-retired. The main house is connected to garage by an open breezeway; the total living space is 2130 sq.ft. This proposal is to add an office / family room and a small additional deck tied into the existing front deck. Beecher discussed the coverage. The building will be 17.6 feet; the deck will be 17.3 feet. Herb Krate & Beecher discussed the two dimensions and Sean Hearty clarified the photograph and the plan. Beecher said I didn't draw the plan. Reverse 17.6 and 17.3, Secretary Lee said. Beecher discussed the passway, the nearest house; this is further away from the nearest home; the low impact here, lake side; the lake itself is further away. The hardship here is this is an irregularly shaped lot, and we have two rear yards, and the fact that the septic is right here in the front yard. We must be 15 feet away from the septic, to put the addition on here. We're asking for a variance towards the Lake. The record should reflect that the Candlewood Lake Authority did not have any issues. I sent the information to Brian Wood, at First Light, and First Light has not registered any objection. On top is Marsicano's email to me, stating no objection. In addition to the issue of the septic system in the front

yard, doing something in the back yard is further constrained by topography. Going up the street, it slopes upward, so the back yard is constrained by that sloping. Beecher handed photos to Jowdy. Krate and Hearty discussed the legend on the plan, and Krate said, Oh, I see it. Between the topography and geology, and the ledge, it would make it highly impractical to put it somewhere else, given the curve of Sunset Drive. So in summary, it's an irregularly shaped lot; the topography, geology, the location of septic system all create the hardship, and it would not be a detriment to the welfare, health and safety of the community, and it's consistent with the neighborhood, Beecher concluded. Krate asked about access to the house, and Beecher explained where he believes a doorway would be. Krate asked how would they access the office? Hanna and Beecher explained. Jowdy asked are there any questions. Jowdy asked is there anyone who wishes to speak for or in opposition to this proposal at 7:19 pm. Robin Zwahlen came forward saying I am a neighbor. She identified herself; we're on the front of Birchwood and Sunset, and this extension will block our lake view. Jowdy said you do understand that they are asking for a variance. So they can build it without a variance, Jowdy said. Krate said if they move it back it would block your view even more. If you look at that map, Krate said, it would show you where their addition is proposed. If they push it forward more, it would probably obstruct your vision even more. Zwahlen said so it's not going to matter what I think. Whatever they do, the impact will be the same; the variance they are asking for is only on the lake side, Krate said. Beecher came back to the mic saying I want to say the home is only one floor. Later in the voting session, Chairman Jowdy said I've been on that property; the neighbor seems to understand. Krate made a motion to **approve** Sunset Drive, Snug Harbor, to reduce min. required rear yard setback from 35 ft. to 17.3 ft.; Sec.3.I.1.b., to reduce open area deck from 25 ft. to 17.3 ft. for proposed office addition, per plan submitted. It is in keeping with neighborhood. Hanna seconded the motion. Motion carried unanimously.

13-01 – Sugar Hollow Road Associates, LLC, 3-5 Sugar Hollow Road (G17002), Sec.5.A.3., to reduce min. required front yard setback from 25 ft. to 21.8 ft.; to reduce min. side yard setback from 20 ft. to 18.3 ft. for canopies (CG-20 Zone). Neil R. Marcus, Attorney at Law, took the mic at 7:19 pm. This is The Shops at Marcus Dairy, still under construction, although the building is almost complete. Krate asked who screwed up? Marcus said the architects were from NYC so they are used to a lot of different zoning codes. Marcus handed out photos of the building under construction showing the overhang that we are talking about. Krate said in true attorney fashion you pass the blame on to someone else. Marcus discussed what was there when his father ran the dairy, the concerns from the EIC about the Kissen Brook, built to drain the Danbury Airport, so we designed the site; everything was situated to reduce the amount of fill in the floodplain. Down here with building no. 1, what happened, it was suggested to meet the State building code, the rear exists should have a cover over them, which is actually a requirement if you're on a fire escape on the second floor. So the architect designed basically a steel awning, but he was not aware of the fact that the Danbury zoning regulations would consider that part of the setback, Marcus said. I won't say less safe, but take away a safety feature. We are here to seek a very very minor variance. Marcus described the distances. Jowdy and Marcus discussed the front versus the back yard. What creates the hardship is what the City deemed the brook to be an important feature, and Marcus discussed the collection point for the water. Jowdy clarified what created the hardship. We will do the street planting; Marcus continued, what this will do is break up the somewhat ugly façade, three on Sugar Hollow Road side and two on the side facing Pier 1. We would ask the commission to grant this as it just makes good sense to allow it, Marcus said. Krate remarked my standard line is, "do you have a saw?". Marcus replied I think it is beneficial

to leave them in place. We required no other variance. Krate asked Marcus to keep it short. Jowdy asked is there anyone here in favor or in opposition to this petition. Motion to close the public hearing by Krate. Second by Hanna. Motion carried unanimously. Krate, in the voting session, made a motion to **approve** Sugar Hollow Associates to reduce the minimum required front yard setback from 25 ft. to 21.8 ft.; to reduce the minimum side yard setback from 20 ft. to 18.3 ft. for canopies. Sean Hearty said they are not changing their address and explained the front yard setback variance. Hanna seconded the motion. Motion carried unanimously at 7:53 pm.

13-02 – David Goldenberg, MD, 3 Devonshire Drive (D13052), Sec.4.A.3., to reduce min. required rear yard from 20 ft. to 14.5 ft. for detached accessory use / shed (RA-40 Zone). Jowdy introduced this petition as Dr. Goldenberg signed and identified himself. I am representing myself, Goldenberg said at 7:34 pm. Jowdy said continue. My request stems from my basement which is full of my wood working shop and metal working shop, and my son was in a serious accident and he may be living with us, so we have to empty out the basement. Jowdy and Goldenberg discussed what exists now, the distances. I have a sizeable shop in my house that takes up the entire basement. There's a small shed on the property now which will be demolished, Goldenberg continued; some trees taken down, and that's where we will put that in. The lot is 42,287 sq.ft. and the existing shed will be torn down, and the new one put in its place. Hanna asked about the garage. Goldenberg replied there is a two-car garage now. Mr. Rapp, who did the calculations, said the additional utility shed did not exceed the allowance. Hearty explained that the size, the location will comply. Goldenberg said there are no other places on the property. Krate said the problem we see is this is a residential area. We do not usually vary a building of this size, and there's a reason for it. You sell your house, and another contractor comes in; that's really the problem part. It's just too big, Krate said. Goldenberg said my wife and I have decided that it will not have heat and no electricity. Jowdy and Krate discussed the sizes. Jowdy said if you put a room on in addition to your house, just an observation only, you would be more compliant. Goldenberg replied, well, we thought about that, and he discussed the locations of the septic, the well, the state of Ct property on the back; the only we could place it is there. We could not put on an addition. We already moved the septic system once. Jowdy discussed a shed of 900 sq. feet; you're talking a small house. I'm just telling you, Jowdy said. We thought that in this situation, it's behind the house, everything has to be moved out basically, so that's the size that we thought would be appropriate, Goldenberg said. Jowdy said to the applicant if you are denied, you could come back with something a little more acceptable to the City. The Zoning Enforcement Officer runs all over the City seeing situations like this. Krate suggested it might behoove you to postpone this to the next meeting. Krate said the most we've granted is maybe 250 sq. ft. tops. Goldenberg said the home is two stories. The existing shed just has a small loft. Maybe work something off that exposed porch, Krate suggested. I'm not comfortable with a 900 sq.ft. shed; that's not a shed, it's a building. Rick Roos asked about the current shed square footage. We can't make decisions for you, Krate said; you need to rethink this. Hearty said we are continuing this. Krate made a motion to **continue** to the 1/24/13 meeting. Rick Roos seconded the motion. Motion carried unanimously.

13-03 – Sarah N. Gondell, 8 Sage Road (H22105), Sec.4.A.3., to reduce min. required side yard from 15 ft. to 2 ft.2 in. for a window addition (RA-20 Zone). Philip Goiran put his plan on the easel, identified himself, an architect representing Sarah Gondell. Goiran said I have a handout for the board; four copies with some additional information and photos of the property. I think the issue here is pretty straight forward. It's a box bay window, in response to Krate's question. The 15-foot setback goes right through the house. It's Lake Waubeeka. I live there, Krate told Goiran. Goiran said I'm from Darien; Sarah (Gondell) is

my sister-in-law. Krate said I've heard enough. It's a bay window; don't over sell it. Jowdy asked are there any questions? Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request? Motion to close the public hearing by Krate. Second by Hanna. Motion carried unanimously to close the public hearing. Later in the voting session, Krate said this is for a minimal variance; basically a bay window on a house that was somewhat destroyed in the storm. Krate made a motion to **approve** to reduce minimum required side yard from 15 ft. to 2 ft. 2 in. for a window addition. It's not that drastic; a very small increase, per plan submitted. Rick Roos seconded the motion. Motion carried unanimously at 7:55 pm.

ACCEPTANCE OF MINUTES: October 25, 2012: Motion to accept these minutes as presented by Krate. Second by Hanna. Motion carried unanimously.

December 13, 2012, minutes could **not** be approved. Krate said I was down in Costa Rico.

ADJOURNMENT: Motion to adjourn by Krate. Second by Hanna. Motion carried unanimously at 7:56 pm.

Richard S. Jowdy, Chairman